

Joint Standing Committee on Business, Research and Economic Development

LD 263

An Act to Define a Scope of Practice for Acupuncture

PUBLIC 666

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-414
DUDLEY	ONTP MIN	

LD 263 proposed to amend and update existing law governing acupuncture to set forth a scope of practice. The proposed scope of practice is similar to that found in New Hampshire law. The bill also proposed to incorporate New Hampshire's definition of oriental medicine.

Committee Amendment "A" (S-414) proposed to limit the techniques to be added to licensed acupuncturists' scope of practice to those techniques that are taught in accredited colleges of acupuncture and to add and delete certain practices from the bill. The amendment also proposed to eliminate the bill's provision that would have authorized the Board of Complementary Health Care Providers to further define the scope of practice by rule, but to add a provision providing for certification in the modality of Chinese herbal formulation. The amendment also proposed to clarify that other licensed persons and unlicensed persons would not be prevented from using the listed techniques by the techniques' inclusion within acupuncturists' scope of practice. Finally, the amendment proposed to make a technical correction to the definition of "acupuncture" and amend the acupuncturist and naturopathic doctor licensing fee statutes, including a fee for the newly created acupuncturist certification.

Enacted Law Summary

Public Law 2003, chapter 666 amends and updates existing law governing acupuncture to add to the existing scope of practice those techniques that are taught in accredited colleges of acupuncture. The law also provides for certification in the modality of Chinese herbal formulation, and clarifies that other licensed persons and unlicensed persons are not prevented from using the listed techniques by the techniques' inclusion within acupuncturists' scope of practice. Finally, the law makes a technical correction to the definition of "acupuncture" and amends the acupuncturist and naturopathic doctor licensing fee statutes, including a fee for the newly created acupuncturist certification.

LD 391

An Act To Provide Consumers at Chain Restaurants with Accurate, Accessible Nutrition Information

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	ONTP	
BROMLEY		

LD 391 proposed to require that restaurants with 20 or more locations in the nation provide nutrition information on menu boards, menus and packaging, beginning July 1, 2004. The bill also proposed to give the Department of Human Services rule-making authority.

Joint Standing Committee on Business, Research and Economic Development

LD 692

An Act To Protect Consumer Privacy Rights

PUBLIC 512

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-627
TREAT	ONTP MIN	

LD 692 proposed to prohibit the denial of goods or services to an individual because the individual refuses to provide a social security number. The bill did not propose to prevent collection of social security numbers when provided for in current law.

Committee Amendment "B" (H-627), which was the majority report of the committee, proposed to restrict the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The amendment proposed to exempt banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

Committee Amendment "A" (H-218), which was not adopted, proposed to clarify that social security numbers may be required for certain transactions under current federal or state law and exempt financial institutions from the bill's prohibition.

Enacted Law Summary

Public Law 2003, chapter 512 restricts the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The law exempts banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

LD 1025

An Act To Adopt a Model Building Code

PUBLIC 580

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	S-417
	ONTP MIN	

LD 1025 proposed to establish the Office of Building Codes within the Department of Professional and Financial Regulation to ensure the uniform code compliance and efficient oversight of construction of new residential and

Joint Standing Committee on Business, Research and Economic Development

commercial buildings in the State. The office would be responsible for providing testing and licensing standards for private building inspectors and establishing a fee schedule for building inspector services. The bill also proposed to require owners and developers of residential and commercial buildings to certify to the Office of Building Codes that a newly constructed building meets all applicable building and energy codes. It also proposed to require the department to submit a plan to the Joint Standing Committee on Business, Research and Economic Development prior to the Second Regular Session of the 121st Legislature to merge into the Office of Building Codes functions within existing agencies that are responsible for plumbing, electrical, fire and energy code inspections.

Committee Amendment "A" (S-417) proposed to replace the bill and create the Maine Model Building Code, which would be composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code would be voluntary on the part of towns, cities and municipalities, but a town, city or municipality would not be permitted to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The amendment also proposed to allow local amendments to the Maine Model Building Code, including adoption of portions of the code, and would not prohibit local adoption of building rehabilitation codes. The amendment proposed to specify that, to the extent that portions of the Maine Model Building Code would conflict with existing statewide codes and standards, those portions of the Maine Model Building Code would be inapplicable. The amendment also proposed to specify that no other codes or standards would be automatically adopted by reference as part of the Maine Model Building Code. Additionally, the amendment proposed to clarify that no new training of code enforcement officers by the Executive Department, State Planning Office would be required.

House Amendment "A" to Committee Amendment "A" (H-764), which was not adopted, proposed to allow municipalities the option of adopting the National Fire Protection Association building, construction and safety code, NFPA 5000, or the international codes.

Enacted Law Summary

Public Law 2003, chapter 580 establishes the Maine Model Building Code, which is composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code is voluntary on the part of towns, cities and municipalities, but a town, city or municipality may not elect to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The law also allows local amendments to the Maine Model Building Code, including adoption of portions of the code, and does not prohibit local adoption of building rehabilitation codes. The law specifies that, to the extent that portions of the Maine Model Building Code conflict with existing statewide codes and standards, those portions of the Maine Model Building Code are inapplicable. The law also specifies that no other codes or standards are automatically adopted by reference as part of the Maine Model Building Code. Finally, the law clarifies that no new training of code enforcement officers by the Executive Department, State Planning Office is required.

Joint Standing Committee on Business, Research and Economic Development

LD 1152

**An Act To Authorize Collaborative Practice for Emergency
Contraception**

PUBLIC 524

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP MAJ	
RICHARDSON J	ONTP MIN	

LD 1152 proposed to authorize a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The bill proposed to require a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The bill also proposed to require that prior to performing this procedure a pharmacist complete a specified training program.

Senate Amendment "A" (S-379), which was not adopted, proposed to require a pharmacist, prior to initiating emergency contraceptive drug therapy on a minor, to obtain the informed written consent of the minor and one parent, guardian or adult family member of the minor or a court order, similar to that required before a minor may obtain an abortion. The amendment also proposed to correct a reference in the bill.

Enacted Law Summary

Public Law 2003, chapter 524 authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The law requires a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The law also requires that prior to performing this procedure a pharmacist complete a specified training program.

LD 1257

**An Act To Amend the Laws Concerning Returnable Beverage
Containers**

**PUBLIC 700
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-855
CATHCART		H-977

LD 1257 proposed to do the following:

1. Raise from 5¢ to 7¢ the deposit on refillable and nonrefillable beverage containers, except wine and spirits containers;

Joint Standing Committee on Business, Research and Economic Development

2. Raise from 15¢ to 20¢ the deposit on wine and spirits containers;
3. Specify that 1/2 of 1¢ of each deposit must be placed in the Beverage Container Enforcement Fund, which would be used to fund the administrative and enforcement responsibilities under the bottle return laws of the Department of Agriculture, Food and Rural Resources; and
4. Increase the handling fee that initiators of deposit must pay to dealers or redemption centers from 3¢ to 4.5¢ and 5¢ depending on the type of beverage container.

Committee Amendment "A" (H-855) proposed to phase in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On October 1, 2004, initiators of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers not included in a qualified commingling agreement, including unclaimed deposits and handling fees that were not transferred or paid during the period of March 1, 2004 to October 1, 2004. The amendment also proposed to enable unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and to designate the State Tax Assessor as the collector of these amounts.

Additionally, the amendment proposed to correct an error in Public Law 2003, chapter 499 by including vintners within the exemption to commingling requirements and handling fee increases, as was originally intended and incorrectly understood to be accomplished by use of the term "brewer." The amendment also proposed to specify that any rule change necessary to implement the inclusion of vintners is a routine technical rule, and to add an emergency preamble and emergency clause.

Committee of Conference Amendment "A" to Committee Amendment "A" (H-977) proposed to strike the section of Committee Amendment "A" that corrected an error in Public Law 2003, chapter 499 because the error had been corrected in Public Law 2003, chapter 688.

The amendment also proposed to change the date by which an initiator of deposit would be required to transfer unclaimed deposits and pay the additional 1/2¢ handling fee for beverage containers from October 1, 2004 to July 1, 2004, and to add a retroactivity clause.

House Amendment "A" to Committee Amendment "A" (H-956), which was not adopted, proposed to require an initiator of deposit to pay the 1/2¢ handling fee increase until such time as the initiator were to become covered by a qualified commingling agreement.

Enacted Law Summary

Public Law 2003, chapter 700 phases in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On July 1, 2004, initiators of deposit must pay the additional 1/2¢ handling fee and transfer unclaimed deposits, for beverage containers not included in a qualified commingling agreement, that were not paid or transferred during the period of March 1, 2004 to July 1, 2004. The law also enables unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and designates the State Tax Assessor as the collector of these amounts.

Joint Standing Committee on Business, Research and Economic Development

Public Law 2003, chapter 700 was enacted as an emergency measure effective May 11, 2004.

LD 1325

An Act To Encourage and Support Maine Small Businesses

PUBLIC 681

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-486
SULLIVAN	ONTP MIN	S-562 CATHCART

LD 1325, which was a concept draft, proposed to direct the Department of Economic and Community Development to provide certain programming and resources specifically to owner-operated small businesses in the State.

Committee Amendment "A" (S-486), which was the majority report of the committee, proposed to replace the concept draft and to:

1. Authorize the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. Require that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. Change the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. Include the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. Direct the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, it proposed to require live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

Senate Amendment "A" to Committee Amendment "A" (S-562) proposed to strike the bill's appropriation section.

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Public Law 2003, chapter 681 does the following.

1. It authorizes the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. It requires that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. It changes the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. It includes the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. It directs the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, the law requires live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

LD 1410

An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	ONTP MAJ	
SULLIVAN	OTP-AM MIN	

LD 1410 proposed to do the following:

Part A proposed to eliminate State licensing of boxers and wrestlers.

Part B proposed to eliminate State licensing of transient sellers.

Committee Amendment "A" (S-377), which was not adopted, was the minority report of the Joint Standing Committee on Business, Research and Economic Development. The amendment proposed to strike from the bill Part B, which proposed to eliminate state licensing of transient sellers. The amendment also proposed to move from the Maine Revised Statutes, Title 32 to Title 17 the crime of promoting or participating in a professional or amateur "toughman," "badman" or "ultimate fighting" match. Title 17 includes a number of crimes and other similar prohibited conduct. Finally, the amendment proposed to bar a person from boxing, wrestling or kick boxing in Maine if the person had been barred from competing in such events by any state or federal body.

Joint Standing Committee on Business, Research and Economic Development

House Amendment "A" to Committee Amendment "A" (H-788), which was not adopted, proposed to remove kickboxing as a regulated boxing activity. The amendment also proposed to delay the repeal of the Maine Athletic Commission until July 1, 2006, and to require the Department of Professional and Financial Regulation to report semiannually to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the activities of the Maine Athletic Commission. The amendment also proposed to require the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to review and assess whether altering or eliminating the repeal of the Maine Athletic Commission should be recommended.

LD 1551

An Act To License Home Building and Improvement Contractors

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	ONTP MAJ	
BRENNAN	OTP-AM MIN	

LD 1551 proposed to create the Maine Home Contractor Licensing Act.

Committee Amendment "A" (H-863), which was the minority report of the committee and was not adopted, proposed to do the following:

1. Require licensure of a person who acts as a general home contractor or who installs, removes, repairs and replaces framing, roofing, siding, insulation, windows or chimneys;
2. Require a license only for work on "dwellings," which would be defined as being owner-occupied buildings or buildings constructed for sale to owner-occupants consisting of 1 or 2 units;
3. Exempt from licensure requirements a person who receives less than \$3,000 per year from any owner; works for licensed contractors; is working within the scope of another trade license; is a government employee acting within the scope of employment; has an ownership interest in the subject dwelling; is a vocational student; is a public utility; or is operating under a manufactured housing license;
4. Create the Maine Home Contractor Licensing Board, appointed by Governor, consisting of 2 public members; 4 home contractors; one municipal code enforcement officer; one licensed engineer or architect, who is a nonvoting member; and one representative of the fire service, who is a nonvoting member;
5. Empower the board to make rules, grant and deny licenses, impose standards of practice, require continuing education and hold hearings, as well as to exercise other powers;
6. Require for licensure as a general home contractor the following:
 - A. Four years combined experience and education, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or

Joint Standing Committee on Business, Research and Economic Development

- B. Two years combined experience and education, passage of an exam including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
- 7. Require for licensure in a specialty trade the following:
 - A. Two years combined experience and education in that trade, acknowledgment of the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary; or
 - B. One year combined experience and education in that trade, passage of an exam in that trade including a test of proficiency in the Maine Model Building Code, familiarity with the laws governing home construction contracts and any other requirements determined necessary;
- 8. Require an applicant for a license to provide criminal history information;
- 9. Require an applicant for a license to make financial disclosures to the board;
- 10. Set as fee caps \$350 per year for a general home contractor license, \$150 per year for a specialty license and \$100 per year for registration;
- 11. Require municipalities that adopt the Maine Model Building Code to notify the board; and
- 12. Create a trigger mechanism for registration and licensing as follows: registration would be triggered upon adoption of the Maine Model Building Code by 2/3 of municipalities with a prior code that make up 75% of population of people covered by these prior codes; the full licensing program would begin one year later, along with a bar to practicing without having registered becoming effective.

LD 1650

An Act To Ensure Equitable Economic Development within the Kennebec Valley Economic Development District

ONTP

Sponsor(s)
MARRACHE

Committee Report
ONTP

Amendments Adopted

LD 1650 proposed to amend the law pertaining to the Kennebec Regional Development Authority to prohibit the authority from recruiting or being a party to the transfer of businesses to FirstPark, a business and technology development project funded by the authority, if those businesses currently operate in a city or town in the Kennebec Valley Economic Development District unless written consent were obtained from the affected municipality prior to the transfer. Currently, the district consists of Kennebec and Somerset counties as well as the towns of Unity, Troy, Thorndike, Freedom, Palermo and Burnham.

Joint Standing Committee on Business, Research and Economic Development

LD 1663

An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes

PUBLIC 605

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM MAJ ONTP MIN	H-770

LD 1663 proposed to require the Executive Department, State Planning Office to provide updated information, training and technical support to interested municipalities regarding the rehabilitation subcode of the State of New Jersey's uniform construction code in order to support the revitalization and rehabilitation of city downtown areas.

Committee Amendment "A" (H-770) proposed to replace the bill and direct the Executive Department, State Planning Office, within existing resources, to provide technical assistance to municipalities and regional planning organizations in the development and implementation of local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State.

Enacted Law Summary

Public Law 2003, chapter 605 directs the Executive Department, State Planning Office, within existing resources, to provide technical assistance to municipalities and regional planning organizations in the development and implementation of local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State.

LD 1691

An Act To Strengthen the Charitable Solicitations Act

PUBLIC 541

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP	

LD 1691 proposed to create consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The bill also proposed to clarify the distinction between a professional solicitor and a professional fund-raising counsel, and to enable the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. Additionally, the bill proposed to extend the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act had been violated. Finally, the bill proposed to eliminate the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

Joint Standing Committee on Business, Research and Economic Development

Enacted Law Summary

Public Law 2003, chapter 541 creates consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The law also clarifies the distinction between a professional solicitor and a professional fund-raising counsel. In addition, the law enables the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. The law also extends the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act have been violated. Finally, the law eliminates the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

LD 1696	Resolve, Directing the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes To Prepare a Recodification of the Maine Revised Statutes, Title 9, Chapter 385; Title 10, Chapters 901 and 951; and Title 32	ONTP
----------------	---	-------------

<u>Sponsor(s)</u> BROMLEY SULLIVAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
--	---------------------------------	---------------------------

LD 1696 proposed to require the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to jointly prepare a bill that would recodify the Charitable Solicitations Act, the Department of Professional and Financial Regulation, the manufactured housing laws and all of the Maine Revised Statutes, Title 32. Under the proposed bill, the Department of Professional and Financial Regulation would have been allowed to participate in the recodification.

LD 1715	An Act To Facilitate the Recovery of Stolen Property	PUBLIC 582
----------------	---	-------------------

<u>Sponsor(s)</u> ROTUNDO	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> S-407
------------------------------	---	------------------------------------

LD 1715 proposed to extend record-keeping requirements covering used goods. Current law requires pawnbrokers to keep records regarding pawn transactions, including the identity of the consumer and the type of property. The pawnbroker is required to file this information monthly with local law enforcement.

This bill, based on a Lewiston ordinance, proposed to apply similar record-keeping requirements to all merchants receiving used goods, such as consignment shops and secondhand dealers. The bill proposed to require all merchants, including pawnbrokers, dealing in used property to:

Joint Standing Committee on Business, Research and Economic Development

1. Obtain written proof of the identity of the person selling the property. Written proof would include a driver's license, military identification card or adult liquor identification card;
2. Hold the used property for a minimum of 10 days before selling or otherwise disposing of it; and
3. Make a weekly report regarding the transactions engaged in, including a description of the property, to local law enforcement.

Committee Amendment "A" (S-407), which was the majority report of the committee, proposed to replace the bill and leave intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The amendment proposed to move these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

Committee Amendment "B" (S-408), which was the minority report of the committee and was not adopted, proposed to move existing statutory requirements for recording information concerning the purchase of used goods out of the Maine Revised Statutes, Title 15 and into Title 30-A. The amendment also proposed to leave provisions in the bill that concern pawnbrokers and retain requirements that impose on dealers in used personal property a 10-day waiting period on resale of that personal property and weekly reporting requirements. Additionally, the amendment proposed to define and limit the term "used personal property" to a specific list of categories of items.

Enacted Law Summary

Public Law 2003, chapter 582 leaves intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The law moves these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

LD 1736

An Act To Authorize Licensure by Endorsement for Canadian Dentists and Dental Hygienists

**PUBLIC 557
EMERGENCY**

<u>Sponsor(s)</u> PELLON BROMLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-708
--	-----------------------------------	------------------------------------

LD 1736 proposed to allow dentists and dental hygienists from Canada to be endorsed for licensure in Maine.

Committee Amendment "A" (H-708) proposed to add an emergency preamble and emergency clause to the bill.

Enacted Law Summary

Public Law 2003, chapter 557 allows dentists and dental hygienists from Canada to be endorsed for licensure in Maine. The law was enacted as an emergency measure effective March 17, 2004.

Public Law 2003, chapter 557 was enacted as an emergency measure effective March 17, 2004.

Joint Standing Committee on Business, Research and Economic Development

LD 1757

An Act To Clarify the Educational Requirements for Counselor Licensure

PUBLIC 542

Sponsor(s)
SULLIVAN
BRENNAN

Committee Report
OTP

Amendments Adopted

LD 1757 proposed to clarify existing statutory language regarding educational requirements for counselor licensure. This bill proposed to remove barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

Enacted Law Summary

Public Law 2003, chapter 542 clarifies existing statutory language regarding educational requirements for counselor licensure. The law removes barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

LD 1766

An Act To Simplify the Finance Authority of Maine Act

PUBLIC 537

Sponsor(s)
KAELIN
BROMLEY

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-686

LD 1766 proposed to simplify the Finance Authority of Maine Act by clarifying definitions, consolidating loan insurance sections of law and correcting cross-references.

Committee Amendment "A" (H-686) proposed to make involvement of the Department of Environmental Protection consistent throughout the Finance Authority of Maine's loan insurance programs. Additionally, the amendment proposed to repeal redundant statutory sections and make other technical changes.

Enacted Law Summary

Public Law 2003, chapter 537 simplifies the Finance Authority of Maine Act by consolidating the loan insurance sections of law and making involvement of the Department of Environmental Protection consistent throughout the Finance Authority of Maine's loan insurance programs. The law also clarifies definitions, corrects cross-references and repeals redundant statutory sections.

Joint Standing Committee on Business, Research and Economic Development

LD 1773 **An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians** **PUBLIC 603**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP	
BRYANT		

LD 1773 proposed to amend the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

Enacted Law Summary

Public Law 2003, chapter 603 amends the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

LD 1795 **An Act To Permit the Filling of a Prescription Refill Prior to the End of the Prescription** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	ONTP	
BROMLEY		

LD 1795 proposed to allow pharmacists to refill a prescription for a nonnarcotic drug up to a week prior to the end of the prescription if the refill were ordered by a registered professional nurse providing nursing services in a home setting. The bill also proposed to direct the Maine Board of Pharmacy to adopt routine technical rules to implement the section.

LD 1801 **An Act To Control Adult Entertainment Establishments** **PUBLIC 595**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP MAJ	H-733
	OTP-AM MIN	

LD 1801 was a concept draft pursuant to Joint Rule 208. It proposed to prohibit the operation of adult entertainment establishments within a specified radius of churches, schools, public parks and residential zones. Under the bill, "adult entertainment establishment" would be defined as a sexually oriented business, including, but not limited to, adult amusement stores, adult video stores, adult bookstores, adult novelty stores, adult motion picture theaters, on-site video screening establishments, adult arcades, adult entertainment nightclubs or bars, adult spas, establishments featuring strippers or erotic dancers and escort agencies. It also proposed to require State licensing of all adult entertainment establishment owners, managers and employees.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (H-733), which was the minority report of the committee, proposed to replace the concept draft and enable a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

Enacted Law Summary

Public Law 2003, chapter 595 enables a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

LD 1818

An Act To Amend the Economic Development Laws

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	
SULLIVAN	OTP-AM MIN	

LD 1818 proposed to make changes to and update statutory language for programs overseen by the Department of Economic and Community Development. These would include changing the name of the community industrial building program under the Maine Rural Development Authority, clarifying the MRDA conflict-of-interest language and modifying the financial commitment required by the MRDA of a municipality.

The bill also proposed to transfer the statutory responsibilities of the Energy Conservation Division of the Department of Economic and Community Development, Office of Business Development to the Public Utilities Commission as a result of the transfer of those duties in Public Law 2003, chapter 20.

Committee Amendment "A" (S-452), which was the majority report of the committee, proposed to:

1. Change the name of the Department of Economic and Community Development to "Department of Commerce, Communities and Tourism," effective July 1, 2005;
2. Allow the Maine Rural Development Authority to finance projects in which the subject property were under purchase option or contract, so that the value and ownership of the property could be established more easily and with greater accuracy;
3. Clarify that a municipality, another governmental entity or a local development corporation could meet its requirement to contribute 25% of the authority's contribution using any type of assistance, not limited to cash;
4. Delete all the provisions of the bill that concern transfer of the Department of Economic and Community Development's statutory responsibility for energy conservation, other than the provision of law concerning the ride share program. The program was proposed to be repealed in the bill. The amendment proposed to transfer authority over the ride share program from the Department of Economic and Community Development to the Department of Transportation;

Joint Standing Committee on Business, Research and Economic Development

5. Repeal the provision of law allowing the Commissioner of Economic and Community Development to serve on the Board of Trustees of the Maine Community College System;
6. Simplify the process for amending provisions governing a Pine Tree Development Zone, including allowing amendment by majority vote of municipal officers within a zone; and
7. Correct an error that was created when Public Law 2003, chapters 426 and 451 both enacted a new Title 30-A, chapter 206, subchapter 3 in the Maine Revised Statutes with similar section numbers by repealing subchapter 3 as enacted by Public Law 2003, chapter 451, Part NNN, section 2 and enacting it as subchapter 4 with new section numbers.

Committee Amendment "B" (S-453), which was not adopted and was the minority report of the committee, proposed to incorporate all of the provisions of Committee Amendment "A" except for the provision that would have changed the name of the Department of Economic and Community Development.

LD 1831	Resolve, Regarding Legislative Review of Portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources	RESOLVE 126 EMERGENCY
----------------	---	----------------------------------

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-758

LD 1831 proposed to provide for legislative review of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a major substantive rule of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-758) proposed to approve the final adoption of the provisionally adopted major substantive rule provided that:

1. Language would be added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers would be required to pay a \$50 rather than a \$500 annual license fee;
2. Language would be added providing that a distributor designated in a qualified commingling agreement would be required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language would be added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule would not be required to have any additional labels, stickers or marking.

Enacted Law Summary

Resolve 2003, chapter 126 approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a

Joint Standing Committee on Business, Research and Economic Development

provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;
2. Language is added providing that a distributor designated in a qualified commingling agreement is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

Resolve 2003, chapter 126 was enacted as an emergency measure effective April 9, 2004.

LD 1838

An Act To Provide for the 2004 and 2005 Allocations of the State Ceiling on Private Activity Bonds

**P & S 38
EMERGENCY**

Sponsor(s)
SULLIVAN
BROMLEY

Committee Report
OTP

Amendments Adopted

LD 1838 proposed to establish the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This bill proposed to allocate the state ceiling among the state-level issuers of tax-exempt bonds.

Enacted Law Summary

Private and Special Law 2003, chapter 38 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2003, chapter 38 was enacted as an emergency measure effective March 17, 2004.

Joint Standing Committee on Business, Research and Economic Development

LD 1843

An Act To Require Surety Bonding by Payroll Processing Companies

PUBLIC 668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ	H-838
HALL	ONTP MIN	H-902 SULLIVAN

LD 1843 proposed to strengthen the laws regarding payroll processors by:

1. Requiring a payroll processor to maintain a surety bond equal to the 4-year aggregate of all employer and employee taxes handled by the payroll processor. A new payroll processor or a processor without a 4-year history would be required to obtain a bond of at least \$100,000;
2. Restricting the use of the funds held by the payroll processor to deposits in insured financial institutions or investments in government bonds or the stocks, bonds or commercial paper of other specific institutions as long as those institutions are highly rated by a nationally recognized statistical rating organization;
3. Requiring a bonding company to immediately notify the Department of Professional and Financial Regulation of the cancellation, termination or lapse of a surety bond;
4. Imposing a civil penalty of up to \$1,000 per day for each day that the payroll processor fails to maintain the required surety bond and a civil penalty up to or equal to the amount illegally invested by the payroll processor;
5. Requiring the payroll processor to submit to annual audits to be conducted by the Department of Professional and Financial Regulation; and
6. Shifting from the State Tax Assessor to the Department of Professional and Financial Regulation oversight and responsibility for payroll processors.

Committee Amendment "A" (H-838) proposed to replace the bill. The amendment proposed to:

1. Designate the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the amendment proposed to designate the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;
2. Require that payroll processors be licensed and establish a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;
3. Restore the current statutory requirement that payroll processors provide proof of fidelity insurance;

Joint Standing Committee on Business, Research and Economic Development

4. Set the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorize the administrator to modify the surety bonding requirement if the bonds are not available;
5. Triple existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
6. Require disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds;
7. Prohibit payroll processors from being designated as sole recipients of delinquency notices for tax payments;
8. Require notification when bond coverage lapses, as in the bill, and establish each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
9. Establish regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The amendment also proposed to allow the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;
10. Enable the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;
11. Establish enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
12. Establish procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

House Amendment "C" to Committee Amendment "A" (H-902) proposed to specify that a payroll processor that does not have the authority to access, control, direct, transfer or disburse a client's funds would not be subject to the provisions requiring disclosure or surety bonding.

Enacted Law Summary:

Public Law 2003, chapter 668 strengthens the laws regarding payroll processors in the following ways:

1. It designates the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the law designates the Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;
2. It requires that payroll processors be licensed and establishes a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;

Joint Standing Committee on Business, Research and Economic Development

3. It sets the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorizes the administrator to modify the surety bonding requirement if the bonds are not available. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the surety bonding requirements;
4. It triples existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
5. It requires disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the disclosure requirements;
6. It prohibits payroll processors from being designated as sole recipients of delinquency notices for tax payments;
7. It requires notification when bond coverage lapses and establishes each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
8. It establishes regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The law also allows the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;
9. It enables the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;
10. It establishes enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
11. It establishes procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

LD 1879

An Act To Amend the Boiler and Pressure Vessel Law

PUBLIC 597

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SULLIVAN	OTP-AM	S-431

LD 1879 proposed to eliminate the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. It also proposed to eliminate the distinction between the 2 types of boiler operator's licenses, combining them into one boiler operator's license.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (S-431) proposed to clarify that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings, and to make a technical correction.

Enacted Law Summary

Public Law 2003, chapter 597 eliminates the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. The law also eliminates the distinction between the two types of boiler operator's licenses, combining them into one boiler operator's license, and clarifies that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings.

LD 1880

**An Act To Amend the Laws Governing the Loring Development
Authority of Maine**

**PUBLIC 598
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN YOUNG	OTP-AM	S-432

LD 1880 proposed to conform the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and make the authority's enabling statute consistent with federal law by incorporating the changes that have been made to federal and State law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993.

Committee Amendment "A" (S-432) proposed to restrict the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Enacted Law Summary

Public Law 2003, chapter 598 conforms the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and makes the authority's enabling statute consistent with federal law by incorporating the changes that have been made to federal and State law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993. The law also restricts the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Public Law 2003, chapter 598 was enacted as an emergency measure effective April 6, 2004.

Joint Standing Committee on Business, Research and Economic Development

LD 1883

An Act To Coordinate Education, Job Training and Employers in Maine

PUBLIC 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL STANLEY	OTP-AM	H-825 S-598 CATHCART

LD 1883 proposed to create and expand opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. This bill proposed to do the following:

1. Direct the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. Establish the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to realign, streamline and oversee the State's economic development policy and specific efforts to retain and attract youth. The S.W.A.T. team would consist of 15 policy-making members, including at least 2 members under 35 years of age, and 8 advisory members;
3. Direct the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector. The bill also proposed to direct the trustees to develop a comprehensive plan to coordinate higher education with the needs of the business sector and require the plan to address the needs of the business sector with respect to research and development, the commercialization of new products and services, business development and workforce training; and
4. Direct the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

Committee Amendment "A" (H-825) proposed to clarify the role of the Future for Youth in Maine State Work Action Tactics Team, the "S.W.A.T. team," and to specify that the S.W.A.T. team would be an advisory body that would recommend economic development policies to the Legislature and the Governor. The Commissioner of Economic and Community Development would serve as the chair of the S.W.A.T. team, and the vice-chair would be selected from among the private sector members of the S.W.A.T. team.

The amendment also proposed to clarify the role of the S.W.A.T. team with respect to the Maine Community College System and the University of Maine System. The State's higher educational institutions would be represented on the S.W.A.T. team, but the S.W.A.T. team would not infringe upon the responsibilities and resources of the State's higher education institutions.

Joint Standing Committee on Business, Research and Economic Development

The amendment also proposed to require the S.W.A.T. team to review the need for educational and training programs for and job opportunities in the field of health care. The S.W.A.T. team would make recommendations to the Legislature and the Governor with respect to promoting opportunities in the health care field.

Finally, The amendment also proposed to delete the provision of the bill that would have given the S.W.A.T. team responsibility for providing oversight and recommendations concerning economic development policies, and to delete the S.W.A.T. team's annual reporting requirement and the annual reporting requirement for the comprehensive education plan.

Senate Amendment "A" to Committee Amendment "A" (S-598) proposed to specify that the Department of Economic and Community Development's duty to develop and implement a comprehensive marketing strategy to promote Maine to youth would begin in fiscal year 2005-06, and to clarify that it is the representative of the Department of Economic and Community Development, appointed by the Commissioner of Economic and Community Development, who would serve as chair of the S.W.A.T. team.

Enacted Law Summary

Public Law 2003, chapter 704 creates and expands opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. The law does the following:

1. It directs the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy, beginning in fiscal year 2005-06, to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. It establishes the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to advise and recommend economic development policy and specific efforts to retain and attract youth;
3. It directs the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector, and to develop a comprehensive plan to coordinate higher education with the needs of the business sector; and
4. It directs the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

Joint Standing Committee on Business, Research and Economic Development

LD 1886 **Resolve, Directing the Maine Municipal Bond Bank and the Finance Authority of Maine To Work Cooperatively with the Lincoln Water District Regarding Financing of the District** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART CARR	ONTP	

LD 1886 proposed to direct the Maine Municipal Bond Bank and the Finance Authority of Maine to work cooperatively with the Lincoln Water District to provide financing for the Lincoln Water District.

LD 1908 **An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters** **PUBLIC 609**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P PELLON	OTP MAJ ONTP MIN	

LD 1908 proposed to permit an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology to obtain a permit to fit and dispense hearing aids to the public without undergoing a training period under the supervision of a licensed hearing aid dealer. In addition, the bill proposed to exempt a licensed audiologist from the examination requirement of the Board of Hearing Aid Dealers and Fitters as well as other restrictions associated with the business of dispensing hearing aids to the public.

Enacted Law Summary

Public Law 2003, chapter 609 permits an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology to obtain a permit to fit and dispense hearing aids to the public without undergoing a training period under the supervision of a licensed hearing aid dealer. In addition, the law exempts a licensed audiologist from the examination requirement of the Board of Hearing Aid Dealers and Fitters as well as other restrictions associated with the business of dispensing hearing aids to the public.

LD 1914 **Resolve, Regarding Legislative Review of Chapter 302: Rules for the Maine Microenterprise Initiative, a Major Substantive Rule of the Department of Economic and Community Development** **RESOLVE 132
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-785

LD 1914 proposed to provide for legislative review of Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development.

Joint Standing Committee on Business, Research and Economic Development

Committee Amendment "A" (H-785) proposed to approve the major substantive rule with the following changes:

1. Language would be changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the bill's proposed change of amounts to \$175,000 and \$100,000; and
2. Language would be added to give preference to proposals from businesses with 5 or fewer employees.

Enacted Law Summary

Resolve 2003, chapter 132 approves Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development, with the following changes:

1. Language is changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the proposed change of amounts to \$175,000 and \$100,000; and
2. Language is added to give preference to proposals from businesses with 5 or fewer employees.

Resolve 2003, chapter 132 was enacted as an emergency measure effective April 14, 2004.

LD 1931

**An Act To Provide for a Limited Transition Provision for Renewal
of Certain Social Worker Licenses**

**P & S 41
EMERGENCY**

Sponsor(s)
SULLIVAN

Committee Report
OTP

Amendments Adopted

LD 1931 amends Public Law 2003, chapter 429 which became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, this bill proposed to provide for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees would have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years, the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by current law.

Enacted Law Summary

Private and Special Law 2003, chapter 41 addresses problems with the implementation of Public Law 2003, chapter 429. That law became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, Private and Special Law 2003, chapter 41 provides for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees will have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years,

Joint Standing Committee on Business, Research and Economic Development

the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by Public Law 2003, chapter 429.

Private and Special Law 2003, chapter 41 was enacted as an emergency measure effective April 7, 2004.

LD 1933

An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Licensure in Medicine Pursuant to Reviews Conducted under the State Government Evaluation Act

PUBLIC 601

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1933 proposed to implement the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The bill proposed to:

1. Delegate to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognize combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and update postgraduate training requirements to recognize specialty board certification;
3. Clarify temporary and emergency locum tenens licensure provisions;
4. Update requirements for certification during postgraduate training;
5. Allow licenses to be denied referral when a debt is owed to the board;
6. Mandate reporting of sexual misconduct; and
7. Make other technical corrections to existing statutes.

Enacted Law Summary

Public Law 2003, chapter 601 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The law:

1. Delegates to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognizes combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and updates postgraduate training requirements to recognize specialty board certification;

Joint Standing Committee on Business, Research and Economic Development

3. Clarifies temporary and emergency locum tenens licensure provisions;
4. Updates requirements for certification during postgraduate training;
5. Allows licenses to be denied renewal when a debt is owed to the board;
6. Mandates reporting of sexual misconduct; and
7. Makes other technical corrections to existing statutes.

LD 1958

An Act To Implement the Recommendations of the Joint Standing Committee on Business, Research and Economic Development Regarding the Board of Dental Examiners Pursuant to Reviews Conducted under the State Government Evaluation Act

PUBLIC 669

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-498 HALL S-499 BROMLEY

LD 1958 proposed to implement the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The bill proposed to:

1. Eliminate one dentist member position from the Board of Dental Examiners and add one dental hygienist member position;
2. Create the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that would be binding unless overturned by a 2/3 supermajority of the board;
3. Authorize the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increase required hours of continuing education for dental hygienists from 20 to 30 every 2 years;
5. Codify in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Direct the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorize the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and

Joint Standing Committee on Business, Research and Economic Development

7. Increase the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

Senate Amendment "A" (S-498) proposed to change the Board of Dental Examiners from 8 members to 9 members, restoring to the board a member of the dental profession removed by the bill. It also proposed to replace the appropriations and allocations section.

Senate Amendment "B" (S-499) proposed to make 2 corrections to the bill by replacing an incorrect reference to "a complaint" with a reference to "an application or submission" and correcting a conjunction.

Enacted Law Summary

Public Law 2003, chapter 669 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The law:

1. Adds one dental hygienist member position to the Board of Dental Examiners;
2. Creates the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that are binding unless overturned by a 2/3 supermajority of the board;
3. Authorizes the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increases required hours of continuing education for dental hygienists from 20 to 30 every 2 years;
5. Codifies in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Directs the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and
7. Increases the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

Joint Standing Committee on Business, Research and Economic Development

LD 1959

**Resolve, Authorizing Professional and Occupational Licensing
Authorities in State Government To Defer or Waive Continuing
Education Requirements for Military Personnel**

**RESOLVE 140
EMERGENCY**

Sponsor(s)
BROMLEY

Committee Report

Amendments Adopted
H-903

LD 1959, which was engrossed without reference to committee, proposed to give professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel.

House Amendment "A" (H-903) proposed to clarify that the resolve would apply to military personnel in Iraq, Kuwait, Afghanistan and Cuba.

Enacted Law Summary

Resolve 2003, chapter 140 gives professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel, including personnel serving in Iraq, Kuwait, Afghanistan and Cuba.

Resolve 2003, chapter 140 was finally passed as an emergency measure effective April 27, 2004.

